

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

BARRACK RODOS & BACINE,

Plaintiff,

v.

BALLON STOLL BADER AND NADLER, P.C.,

Defendant.

:
:
:
:
:
:
:
:
:
:
:

Civil Action No. 08 CV 02152 (PKL)

NOTICE OF MOTION

ELECTRONICALLY FILED

PLEASE TAKE NOTICE THAT at a date to be set by the Court in accordance with the Court's individual rules, in the courtroom of the Honorable Peter K. Leisure, in the United States District Court for the Southern District of New York, located at 500 Pearl Street, Room 1910 New York, NY 10007, plaintiff Barrack Rodos & Bacine will move this Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss defendant Ballon Stoll Bader and Nadler, P.C.'s counterclaims asserted against plaintiff in the above-captioned matter.

The motion is based upon the instant notice of motion, the accompanying memorandum in support of the motion to dismiss, all records and papers on file in this action and any evidence or oral argument offered at any hearing on this motion.

Dated: April 29, 2008

Respectfully submitted,

BARRACK, RODOS & BACINE

William J. Ban (WB0382)
1350 Broadway, Suite 1001
New York, NY 10018
(212) 688-0782

and

/s/ Daniel E. Bacine

Daniel E. Bacine
3300 Two Commerce Square
2001 Market Street
Philadelphia, PA 19103
(215) 963-0600

Attorneys for Plaintiff